

Message Text

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ORIGIN NEA-10

INFO OCT-01 ISO-00 PM-05 OES-07 SP-02 L-03 CIAE-00
INR-07 NSAE-00 ERDA-05 /040 R

DRAFTED BY NEA/IRN: C W NAAS:RR
APPROVED BY NEA/IRN: C W NAAS
PM/NPO - MR. L NOSENZO
-----023732 131935Z /41
R 130242Z AUG 77
FM SECSTATE WASHDC
TO AMEMBASSY TEHRAN

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E.O. 11652: N/A

TAGS: US, IR, TECH

SUBJECT: WORKING PAPER ON LEGISLATIVE REQUIREMENTS FOR
BILATERAL NUCLEAR AGREEMENTS

1. DURING FIRST DAY DISCUSSION ON NUCLEAR ENERGY, WE
GAVE FOLLOWING WORKING PAPER TO IRANIAN DELEGATION WHICH
OUTLINES WHAT WE BELIEVE WILL BE MAJOR POINTS IN
LEGISLATION.

BEGIN TEXT:

2. KEY ELEMENTS OF AGREEMENTS.

(1) THE TERMS, CONDITIONS, DURATION, NATURE AND SCOPE
OF THE COOPERATION;

(2) A REQUIREMENT THAT IAEA SAFEGUARDS BE MAINTAINED
ON ALL PEACEFUL NUCLEAR ACTIVITIES AS A CONTINUING
CONDITION OF US SUPPLY;

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(3) A GUARANTEE BY THE COOPERATING PARTY THAT SAFE-
GUARDS WILL BE APPLIED TO ALL US-SUPPLIED EQUIPME;T
AND MATERIAL AND ANY SPECIAL NUCLEAR MATERIAL (SNM)
PRODUCED WITH THEIR USE, WHETHER OR NOT THE AGREEMENT
IS TERMINATED OR SUSPENDED FOR ANY REASON;

(4) A GUARANTEE BY THE COOPERATING PARTY THAT US

SUPPLY AND ANY SNM PRODUCED THROUGH ITS USE WILL NOT BE USED FOR ANY NUCLEAR EXPLOSIVE DEVICE OR RESEARCH AND DEVELOPMENT OF A NUCLEAR EXPLOSIVE DEVICE OR OTHER MILITARY PURPOSE;

(5) A GUARANTEE BY THE COOPERATING PARTY THAT IT WILL OBTAIN WRITTEN CONSENT OF THE US TO RETRANSFER US-SUPPLIED EQUIPMENT AND MATERIAL AND ANY SNM PRODUCED FROM US-SUPPLIED NUCLEAR MATERIAL OR THROUGH THE USE OF US-SUPPLIED REACTORS;

(6) A GUARANTEE BY THE COOPERATING PARTY THAT ADEQUATE PHYSICAL SECURITY WILL BE MAINTAINED ON US-SUPPLIED EQUIPMENT AND MATERIAL AND ANY SNM PRODUCED FROM US-SUPPLIED NUCLEAR MATERIAL OR THROUGH THE USE OF US-SUPPLIED REACTORS;

(7) A GUARANTEE BY THE COOPERATING PARTY THAT IT WILL NOT REPROCESS OR OTHERWISE ALTER IN FORM OR CONTENT OR STORE US-SUPPLIED NUCLEAR MATERIAL OR SNM PRODUCED FROM US-SUPPLIED NUCLEAR MATERIAL OR THROUGH THE USE OF US REACTORS WITHOUT US APPROVAL;

(8) A GUARANTEE BY THE COOPERATING PARTY TO FURNISH, AT US REQUEST, A REPORT OR PERMIT THE IAEA TO FURNISH A REPORT ON THE STATUS OF ALL SOURCE MATERIAL AND SNM LIMITED OFFICIAL USE

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TRANSFERRED TO IT UNDER THE AGREEMENT; (IN THE CASE OF NON-NPT PARTIES, A REPORT ON ALL INVENTORIES OF NUCLEAR MATERIALS SUBJECT TO IAEA SAFEGUARDS); (HOUSE VERSION).

3. OTHER ELEMENTS.

(1) SENSITIVE TECHNOLOGY TRANSFERS REQUIRE A SEPARATE AGREEMENT. ALL THE ABOVE GUARANTEES WOULD APPLY TO ANY FACILITIES AND SNM PRODUCED THROUGH THE USE OF TRANSFERRED SENSITIVE NUCLEAR TECHNOLOGY;

(2) ANY ENRICHMENT OF US-SUPPLIED NUCLEAR MATERIAL REQUIRES A SPECIFIC PROVISION IN THE AGREEMENT.

4. CESSATION OF COOPERATION.

US TERMINATION OF NUCLEAR SUPPLY TO ANY NON-NUCLEAR WEAPON STATE THAT AFTER DATE OF ENACTMENT:

(L1) DETONATES A NUCLEAR EXPLOSIVE DEVICE;

(2) TERMINATES OR ABROGATES IAEA SAFEGUARDS;

(3) IS FOUND BY THE PRESIDENT TO HAVE MATERIALLY VIOLATED AN IAEA SAFEGUARDS AGREEMENT OR BILATERAL GUARANTEE TO THE US; AND,

(4) IS FOUND BY THE PRESIDENT TO BE INVOLVED IN RESEARCH AND DEVELOPMENT ON A NUCLEAR EXPLOSIVE DEVICE AND FAILS TO TAKE NECESSARY ACTION TO CURTAIL SUCH ACTIVITIES; (SENATE VERSION).

5. PROCEDURES.

(1) ONE OR MORE REQUIREMENTS MAY BE WAIVED BY THE PRESIDENT IF SERIOUSLY PREJUDICIAL TO US NON-LIMITED OFFICIAL USE

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PROLIFERATION OBJECTIVES OR WOULD OTHERWISE JEOPARDIZE THE US NATIONAL SECURITY;

(2) CONGRESS THEN MAY APPROVE OR DISAPPROVE THE AGREEMENT;

(3) THE AGREEMENT MUST SIT BEFORE CONGRESS 60 LEGISLATIVE DAYS BEFORE ENTRY INTO FORCE.

6. RELATED ITEMS OF INTEREST.

(1) NEW PROCEDURES FOR NRC LICENSING ARE ESTABLISHED:

--CLEAR CRITERIA FOR ISSUANCE OF LICENSES;

--LIMITATION ON INTERVENTIONS;

--PRESIDENTIAL OVERRIDE OF NEGATIVE NRC DECISION;

(2) NEW PROVISIONS INDICATING US INTENT TO PROVIDE RELIABLE LONG-TERM SUPPLY TO COOPERATING PARTIES.
END TEXT. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PAPERS, NUCLEAR AGREEMENTS, TEXT, LEGISLATIVE TESTIMONY
Control Number: n/a
Copy: SINGLE
Sent Date: 13-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE192369
Document Source: CORE
Document Unique ID: 00
Drafter: C W NAAS:RR
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770293-0039
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770864/aaaacbpu.tel
Line Count: 159
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 592bf25a-c288-dd11-92da-001cc4696bcc
Office: ORIGIN NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 20-Oct-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1608175
Secure: OPEN
Status: NATIVE
Subject: WORKING PAPER ON LEGISLATIVE REQUIREMENTS FOR BILATERAL NUCLEAR AGREEMENTS
TAGS: TECH, US, IR
To: TEHRAN
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/592bf25a-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009